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ing suit, the action may be revived against his executor or administrator, but this does not confer a right of action against the latter where the wrongdoer has died before the suit is brought. *Johnson v. Farmer*, 89 Tex. 610. The Maryland statute providing for the survival of personal actions expressly excepts actions for injury to the person where the defendant dies, and the principal case rightly holds that this statute does not help the plaintiff's cause.

**DIVORCE—VALIDITY OF FOREIGN DECREE—ALIMONY.**—Parties were married in Iowa and removed to Arkansas, where the wife obtained a divorce, the husband being served by publication and no personal jurisdiction being obtained. No provision was made for alimony and the wife started a separate action for alimony in Iowa. *Held*, the action was not maintainable. *McCoy v. McCoy* (Iowa, 1921), 183 N. W. 377.

In another case, plaintiff was domiciled in New York and married defendant in Washington, D. C. Previously, defendant and X had been married in Missouri and had moved to Texas, which was their last matrimonial domicile. X left defendant in Texas, went to Nevada, and there obtained a divorce. Defendant never appeared in the divorce proceedings, service being by publication. Plaintiff now claims the marriage between himself and defendant was invalid, as defendant was not legally divorced from X. *Held*, if the wife, at the time the divorce was procured, was domiciled in Texas, her status there controls, and if Texas recognizes such a decree as was obtained in Nevada, on the ground of comity, it will be recognized in New York; as neither party to that decree was a New York resident, the state's policy of protecting its residents against foreign divorce decrees, based on constructive service, is not involved. *Ball v. Cross* (N. Y., 1921), 132 N. E. 106.

The courts in the instant cases have again been confronted with the perplexing questions arising from the lack of uniformity in our state divorce laws. In *Haddock v. Haddock*, 201 U. S. 562, the husband and wife were domiciled in New York, when the husband left her and acquired in good faith a domicile in Connecticut, there obtaining a divorce based on constructive service on the wife, who remained domiciled in New York and made no appearance. The wife subsequently sued for divorce in New York and obtained personal service on the husband, who pleaded the Connecticut judgment as a bar. The United States Supreme Court held that the Connecticut decree rendered, not being based on personal jurisdiction, was not entitled to full faith and credit in New York under the federal Constitution. In *Bates v. Bodie*, 245 U. S. 520, L. R. A. 1918C, 355, the parties were married in Nebraska, but removed to Arkansas, and in a divorce proceeding the Arkansas court rendered a decree based on personal jurisdiction over both parties, and allowed certain alimony. The wife then commenced an action in Nebraska for a further amount of alimony, alleging that the value of certain Nebraska property had not been considered in computing the alimony. The court held that the full faith and credit clause made obligatory the enforcement of the Arkansas decree in Nebraska and that that decree was a conclusive determination of the alimony to be given. It will be noted

that the Arkansas decree was rendered with personal jurisdiction over both parties and the question of alimony was distinctly raised and passed on in that court. In *Toncray v. Toncray*, 123 Tenn. 476, 34 L. R. A. (n. s.) 1106, the complainant sought a divorce and alimony from the defendant, who pleaded as a bar a divorce rendered in Virginia. The matrimonial domicile was Tennessee, but defendant had left his wife and obtained a bona fide domicile in Virginia before getting the divorce. The Virginia decree was based on publication and without service of process on, or actual notice to, the wife. *Held*, an action for alimony can be maintained by the wife still domiciled in the state of the matrimonial domicile of the parties, although the husband may have obtained a divorce from her based on service by publication in a foreign state. Here the court protects its own resident. In *Joyner v. Joyner*, 131 Ga. 217, 18 L. R. A. (n. s.) 647, the matrimonial domicile was in Georgia, but the husband got a bona fide domicile in Kansas and obtained a divorce based on constructive service on the wife, she retaining her Georgia domicile. In a separate alimony suit in Georgia the court enforced the Kansas decree on the ground of comity and held it conclusive as to the amount of alimony. The wife had actual notice by mail. To be effective to cut off further suit for alimony in another state, the decree must be valid in that other state either because of the full faith and credit clause or because of comity. If the decree is valid, since alimony is incidental to the marriage relation, and as divorce dissolves that relation, nothing then remains from which the alimony can arise. *Roe v. Roe*, 52 Kan. 724. See also *Knowlton v. Knowlton*, 155 Ill. 158. *Contra: Thurston v. Thurston*, 58 Minn. 279; *Adams v. Abbott*, 21 Wash. 29; *Toncray v. Toncray*, *supra*. The New York case at bar limits the doctrine of *Haddock v. Haddock*, *supra*, very strictly, applying it only when a resident of New York is one of the parties to the foreign decree and is injured by it. For further discussion, see 13 MICH. L. REV. 420; 11 MICH. L. REV. 508; L. R. A. 1917B, 1032, note; L. R. A. 1917F, 1161, note; L. R. A. 1915E, 421, note; 9 L. R. A. (n.s.) 953, note.

#### EQUITY—INJUNCTION AGAINST WRONGFUL OUSTER OF PUBLIC OFFICER.—

The appellant held the office of clerk of the Recorder's Court in Detroit, by appointment, and was notified that the judges of this court had decided to dispense with his services, without having given him a hearing as to his competency. *Held*, that a court of equity had jurisdiction to enjoin the wrongful removal of the plaintiff. *Beck v. Keidan* (July, 1921), 215 Mich. 13.

Other authorities have held that equity does not have jurisdiction to enjoin the removal of a public officer on the ground that its aid is sought to protect a political right as distinguished from property or civil rights. The United States Supreme Court held that a Nebraska court had no power to enjoin the ouster of a police judge upon action by only three members of the city council when an ordinance required action by the whole council. *In re Sawyer*, 124 U. S. 200. The court relied upon *Gee v. Pritchard*, 2 Swanst. 403, which held that equity jurisdiction was limited to the protection of property rights. But see *EQUITABLE RELIEF AGAINST DEFAMATION*, ROSCOE